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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,119	01/11/2002	Timothy R. Fitch	283_346.02	8122
20874	7590	06/06/2006	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			ALPHONSE, FRITZ	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/044,119	<b>Applicant(s)</b> FITCH ET AL.	
	<b>Examiner</b> Fritz Alphonse	<b>Art Unit</b> 2133	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

0.1 This office action is in response to the amendment filed on 3/01/2006. Claims 1-43 are canceled; claims 44- 77 are pending and claims 78-99 are added.

0.2 The indicated allowability of claim 60 is withdrawn in view of the newly discovered reference(s) to Kapp (U.S. Pat. No. 5,297,202). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 44-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp (U.S. Pat. No. 5,297,202) in view of Levie (U.S. Pat. No. 6,065,679).

As to claims 44, 64, 70 and Kapp (figs. 1-7) shows a transaction terminal (fig. 1) for reading information from a credit card in a retail point of sale transaction, said transaction terminal comprising: a card reader unit (i.e., magnetic stripe reader 32; figs. 1, 5) for reading said credit card, said card reader unit including a slot (34) for receiving said credit card, at least one magnetic stripe reader for reading magnetic stripe encoded data. Kapp discloses a control circuit (56) coupled to said card reader unit (32), said control circuit configured to receive information read from said credit card by said card reader unit (col. 4, lines 53-64); a touch screen (24; figs. 3, 4) including a display and a touch screen overlay, said transaction terminal

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(fig. 1) configured so that signature information can be entered into said touch screen utilizing a stylus (col. 6, lines 40-65); and a housing (40) encapsulating said control circuit and components of said credit card reader unit (32), said housing further supporting said touch screen (24), wherein said housing further includes a base and a top surface (see figures 1, 2), said touch screen being disposed at said top surface, said housing, further defining said slot (34) of said card reader unit (32) and further including a circumferential lip (60) extending outwardly from said base, said circumferential lip extending about a perimeter of said housing, wherein said housing further has disposed thereon a holder apparatus for holding a stylus for use in entering data into said transaction terminal (col. 9, lines 31-40).

Knapp differs from claims 44 and 64 in that he does not explicitly disclose a smart card reader for reading encoded data of an integrated circuit disposed on said credit card. However, the limitation is obvious and very well known in the art, as evidenced by Levie (col. 4, lines 20-31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a smart card reader for reading smart cards, as taught by Levie (col. 2, lines 23-25).

As to claim 70, the claim differs from claim 44 by the additional limitation “a detachable stylus holder detachably received on said housing.” However, the limitation is obvious and well known in the art, as evidenced by Igbinadolor (fig. 13; col. 5 lines 58-65). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to use a detachable stylus holder in order to further enhance functionality and ease of use of Kapp’s device.

As to claims 78 and 89, Kapp (figs. 1-7) shows a transaction terminal for reading information from a card in a retail point of sale transaction, said transaction terminal comprising: an insert style card reader unit for reading said card (i.e., magnetic stripe reader 32; figs. 1, 5), said insert style card reader unit including a slot (34) for receiving said card; Kapp discloses a control circuit (56) coupled to said card reader unit, said control circuit configured to receive information read from said card by said card reader unit (col. 4, lines 53-64); a signature capturing touch screen including a display and a touch screen overlay (col. 6, lines 40-65); and a housing (40) encapsulating said control circuit and components of said insert style card reader unit (32), said housing further supporting said signature capturing touch screen (24), wherein said housing further includes a base and a top surface (see figures 1, 2), said signature capturing touch screen being disposed at said top surface, said housing further defining said slot (34) of said insert style card reader unit (32) and further including a circumferential lip (60) extending outwardly from said base, said circumferential lip (60) extending about a perimeter of said housing, wherein said base has a base plane (see fig. 1). Kapp teaches a display having a screen plane (50) and wherein said slot (34) of said insert style reader has a slot plane, and wherein said transaction terminal (fig. 1) is configured so that both of said screen plane (50) and said slot plane are angled downwardly toward said base plane to form an angle with respect to said base plane (see fig. 2), wherein said transaction terminal is configured so that said screen plane is oriented such that a higher portion of said screen plane is positioned rearward on said terminal relative to a lower portion of said screen plane, and wherein said transaction terminal is also so that a higher portion of said slot plane is also positioned rearward on said transaction terminal relative to a lower portion of said slot plane (col. 9, lines 31-40).

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Knapp does not explicitly disclose a smart card reader for reading encoded data of an integrated circuit disposed on said credit card. However, the limitation is obvious and very well known in the art, as evidenced by Levie (col. 4, lines 20-31).

Kapp and Levie do not disclose a holder apparatus for holding a stylus for use in entering signature data into said transaction terminal. However, the limitation is obvious and well known in the art, as evidenced by Igbinadolor (fig. 13; col. 5 lines 58-65). See the motivation for the same reason disclosed in claim 44 above.

As to claim 95, the claim has substantially the limitations of claim 44; therefore, it is analyzed as previously discussed in claim 44 above.

As to claims 45-50, Kapp (figs. 1-7) shows a circumferentially extending lip extends entirely about a periphery of a housing, which defines a curved profile from both a top view of said transaction terminal and a front view of said transaction terminal and, wherein said card reader unit is an insert style card reader unit.

As to claims 51-54, Kapp (figs. 1-7) shows a transaction terminal, wherein said slot (34) of said card reader unit, said base (20), and said touch screen (50) are all substantially coplanar, and all define planes having a downward angle from the back of said housing to the front of said housing.

As to claims 55-59, Kapp (figs. 1-7) discloses a transaction terminal, wherein the control circuit (56) has a mode of operation in which said control circuit configures said transaction terminal to capture a signature entered by a user onto said touch screen (50).

As to claim 60, Kapp disclose a transaction terminal further comprising a secure information entry circuit including a program having an encryption routine, wherein said secure

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information entry circuit includes cryptographic firmware adapted to change the state of an encryption mode signal when said encryption routine is actuated, and wherein said transaction terminal further includes a user-perceivable indicator responsive to said encryption mode signal (col. 6, lines 40-68).

As to claims 61-63, Kapp (figs. 1-7) discloses a transaction terminal, wherein said housing comprises an upper section and a lower section (see fig. 1), wherein said control circuit is in communication with a secure IC chip comprising a volatile memory (47), wherein at least a portion of said housing and at least a portion of said base are molded together.

As to claims 65-69 and 71-77, the claims have substantially the limitations of claims 45-49; therefore, they are analyzed as previously discussed in claims 45-49 above.

As to claims 79-82, 90-94 and 96-99, Kapp discloses a transaction terminal (figs. 1-7), wherein said transaction terminal is configured so that cards (32) inserted into said slot (34) of said insert style card reader unit are moved in an upward direction when inserted into said slot, and are moved in a downward direction when removed from said slot, wherein said transaction terminal is configured so that said slot is disposed at a front of said housing. Kapp teaches the transaction terminal is configured so that a rear of said slot is positioned at a position that higher than a front of said slot.

As to claims 83-85, Kapp does not explicitly disclose a transaction terminal, wherein the first sideward extending lip extends at least about 0.25 inch or 0.50 inch or 0.75 inch from said base. However, using a sideward extending lip extends at least about 0.25 inch or 0.50 inch or 0.75 inch represents a design choice.

As to claims 86-88, Kapp does not explicitly disclose a transactional terminal, wherein the transaction terminal is configured to read both smart cards and magnetic stripe cards. However, a transactional terminal including smart cards is obvious and very well known in the art, as evidenced by Levie (col. 4, lines 20-31). See the motivation above.

***Response to Arguments***

3. Applicant's arguments with respect to claims 44-77 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form-892.

Any response to this action should be mailed to:



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Commissioner of Patents and Trademarks, Washington, D.C. 20231

**or faxed to:** (703) 872-9306 for all formal communications.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

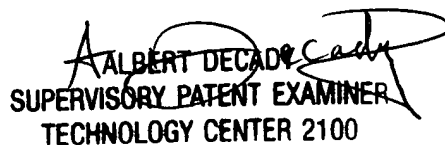
Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fritz Alphonse

Art Unit 2133

May 29, 2006



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